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Division of Environmental Health and Engineering

Beneficial Use Agreement No. 1
for Project Nos. AN 98-L98, AN 99-C09,
AN 00-M43, AN 01-Q53, AN 04-GC8, AN
04-N84, AN 05-NB3, AN 06-CI4, AN 09-
S02, & AN 09-S03

Beneficial Use Agreement No. 2
for Project No. AN 97-B54

Sanitation Facilities Improvement Projects between
The Alaska Native Tribal Health Consortium and
The Village of Kwigillingok, Alaska
August 2010


**BENEFICIAL USE AGREEMENT
SANITATION FACILITIES IMPROVEMENTS
CITY OF KWIGILLINGOK AND VILLAGE OF KWIGILLINGOK, ALASKA**

**PROJECT NOS. AN 97-B54, AN 98-L98, AN 99-C09, AN 00-M43, AN 01-Q53, AN 04-GC8,
AN 04-N84, AN 05-NB3, AN 06-CI4, AN 09-S02, & AN 09-S03**

To acknowledge beneficial use as set forth in this agreement, the ANTHC and the City of Kwigillingok and Village of Kwigillingok mutually agree to the terms and conditions contained herein.

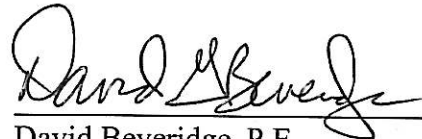
PREPARED BY:

8/4/2010
Date


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DEHE, ANTHC


RECOMMENDED BY:

8/2/10
Date


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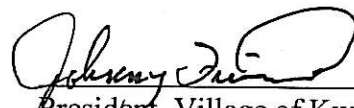
APPROVED BY:

9/20/10
Date


Matthew Dixon, P.E.
Operations Director
DEHE, ANTHC

APPROVED BY:
THE VILLAGE OF
KWIGILLINGOK:

9/15/10
Date


President, Village of Kwigillingok,
Alaska

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**BENEFICIAL USE AGREEMENT
SANITATION FACILITIES IMPROVEMENTS
CITY OF KWIGILLINGOK AND VILLAGE OF KWIGILLINGOK, ALASKA**

**PROJECT NOS. AN 97-B54, AN 98-L98, AN 99-C09, AN 00-M43, AN 01-Q53, AN 04-GC8,
AN 04-N84, AN 05-NB3, AN 06-CI4, AN 09-S02, & AN 09-S03**

DATE OF AGREEMENT:
AUGUST 2010

A. INTRODUCTION

Throughout this Agreement these entities are referred to as follows:

City of Kwigillingok	=	City
Village of Kwigillingok	=	Village
Alaska Native Tribal Health Consortium	=	ANTHC

The ANTHC and the City and Village acting through the authority of the City and Village Council, entered into the following Agreements on the dates listed, regarding the provision of sanitation facilities for the Alaska Native residents of the City of Kwigillingok and Village of Kwigillingok, Alaska.

Project No.	Document Type	Execution Date
AN 97-B54	Project Scope and Memorandum Of Agreement (PS/MOA)	September 30, 1998
AN 97-B54	Beneficial Use Agreement # 1 (BUA)	April 20, 2006
AN 98-L98	PS/MOA	May 23, 2000
AN 99-C09	PS/MOA	January 27, 2000
AN 00-M43	Cooperative Project Agreement (CPA)	September 13, 2000
AN 01-Q53	CPA	February 5, 2002
AN 01-Q53	Amendment # 1 To The CPA	April 17, 2002
AN 04-GC8	Health Facilities Cooperative Project Agreement (HFCPA)	June 28, 2005
AN 04-GC8	Amendment # 1 To The HFCPA	April 10, 2007
AN 04-GC8	Amendment # 2 To The HFCPA	April 15, 2010

Project No.	Document Type	Execution Date
AN 04-N84	Title V Construction Project Agreement (TVA)	August 10, 2004
AN 04-N84	TVCPA	July 16, 2004
AN 04-N84	Amendment # 1 To The TVCPA	November 26, 2004
AN 05-NB3	CPA	July 21, 2005
AN 06-CI4	CPA	May 3, 2006
AN 09-S02	CPA	May 18, 2009
AN 09-S02	Amendment # 1 To The CPA	March 8, 2010
AN 09-S03	CPA	May 18, 2009

When the Project Scope/Memorandum of Agreement for Project No. AN 97-B54 was signed, the parties to the agreement were aware that the ANTHC, a tribal organization formed under the provisions of Public Law 93-638, the Indian Self-determination and Education Assistance Act, as amended, and Section 325 of Public Law 105-83, the Interior and Related Agencies Appropriation Act, had submitted a proposal to assume responsibility for the programs, functions, services, and activities of the Alaska Area Office of the IHS, including the programs, functions, services and activities of the Alaska Area Office of Environmental Health and Engineering (OEH&E). The parties agreed that upon the effective date of the contract between the ANTHC and the IHS for assumption of the OEH&E, which occurred on October 1, 1998, the ANTHC would assume all rights and responsibilities that were identified as accruing to the IHS under this agreement.

This Agreement provides the City and Village notification that the facilities indicated in this Agreement have been completed, inspected, and put into use. An Acknowledgement of Project Completion (AOPC) will be executed when all of the projects' scope of work items are complete.

B. PROJECT SCOPE OF WORK

This section lists the entire scope for these projects. However, not all of the scope for these projects has been completed. See section C for the scope that has been completed, inspected, and put into use.

The scope of work for Project No. AN 97-B54 as described in the Project Scope and Memorandum of Agreement is as follows:

- Extend the existing foundation for the water treatment plant (WTP). Project Nos. AN 97-L65 and AN 98-L93 will partially fund upgrades to the existing WTP. The IHS has notified the Council that additional funding will be needed to complete upgrades for the WTP.
- Close and reclaim 43 existing sewage disposal bunkers. Closure should be conducted after the proposed flush and hold system sewage disposal lagoon has become operational and boardwalk access to the lagoon has been constructed. Project Nos. AN 97-L65 and AN 98-L93 will address disposal through construction of a sewage disposal lagoon and provision of some components needed to operate the proposed flush and haul sewage disposal system. Additional funding beyond that provided by these projects will be needed to complete the flush and haul system.

The scope of work for Project No. AN 98-L98 as described in the Project Scope and Memorandum of Agreement is as follows:

- Construct an earthen water reservoir that will have a surface area of approximately 210,000 square feet and will have a maximum berm height of 18 feet. It will be located approximately 2,500 feet from the existing WTP and will be designed to provide approximately 15,000,000 gallons of storage that will provide the capability for future sanitation system expansion. Snow melt will supply the reservoir using a snow fence system. When necessary, snow melt will also be obtained through pumping from nearby ponds during spring thaw. Rain water will also supply the reservoir.
- Construct a maintenance garage with a 1,500-square-foot insulated, metal panelized structure placed on a pile and refrigerated gravel pad foundation for the flush and haul vehicles and other maintenance equipment. This garage will be heated and will allow large pieces of equipment such as maintenance dozers to be repaired in the facility. The gravel pad will also serve as the floor of the garage.
- Construct silt dikes reinforced with geotextile around the existing washeteria and Lower Kuskokwim School District (LKSD) school sewage lagoon. The lagoon will have a finished surface area of approximately 165,000 square feet with an operating depth of approximately four feet. The new lagoon will be approximately twice the size of the current lagoon.

The scope of work for Project No. AN 99-C09 as described in the Project Scope and Memorandum of agreement is as follows:

- Complete construction of an earthen water reservoir. This project is allocating \$620,000 with existing IHS funding (\$440,000 from AN 98-L98 and \$440,000 from AN 97-L65) toward the estimated \$1,500,000 required for completion of the earthwork portion of construction. The reservoir will be located approximately 2,500 feet from the existing WTP and will be designed to provide a minimum of 1,880,000 gallons annually. Snow melt will supply the reservoir using a snow fence system. When necessary, snow melt will also be obtained through pumping from nearby ponds during spring thaw. Rain water will also supply the reservoir.
- Construct a 2,500-linear-foot supply line to the WTP from the reservoir after reservoir development. Funds to complete the supply line will be requested under a future project.
- Install a partial liner in the interior dikes of the reservoir to prevent tidal erosion.
- Construct a Class III disposal facility. Appurtenances and other items, including fencing and haul vehicles, will be provided utilizing funding to be requested from VSW during FY 01.

The scope of work for Project No. AN 00-M43 as described in the Cooperative Project Agreement is as follows:

- Construct 1,400 linear feet of boardwalk and a 132-linear-foot bridge to provide access to the reservoir and a pump house including foundation, supply pumps, appurtenances, and electrical power supply. Provide a back-up water supply line to an existing lake and a snow fence to facilitate collection of melt water at the new water reservoir.
- Complete construction of the new sewage lagoon. The cost estimate initially identified under Project No. AN 97-L65 for construction of a new sewage lagoon was insufficient. This project has allocated \$230,200 to complete construction of the new sewage lagoon.
- Construct a 5,544-linear-foot lagoon access road.
- Purchase solid waste management equipment.

The scope of work for Project No. AN 01-Q53 as described in the Cooperative Project Agreement is as follows:

- Construct a WTP, which includes a 3,000-square-foot foundation, a 3,000-square-foot structure building shell, and mechanical and electrical equipment. The WTP will treat water obtained from the water reservoir funded under Project Nos. AN 98-L98 and AN 99-C09.

The scope of work for Project No. AN 04-GC8 as described in the Health Facilities Cooperative Project Agreement is as follows:

- Design and construct a 1,728-square-foot washeteria that will contain six washers, four dryers, shower facilities, toilets, and a mechanical plant. This project will cover design and planning, professional cost estimation, site preparation, materials and equipment, construction and labor cost. It will comply with the Americans with Disabilities Act, provide handicap access, and include a residential sprinkler system.

The scope of work for Project No. AN 04-N84 as described in the Title V Cooperative Project Agreement is as follows:

- Construct a 1,700-linear-foot raw water line aboveground to connect the reservoir to the water treatment plant (funded under Project No. AN 01-Q53). Project AN 01-Q53 funded a raw water line to the WTP; however, Project No. AN 01-Q53 funded 1,600 linear feet and additional line is needed due to stream erosion and land ownership issues.
- Construct a foundation for a bridge needed for the raw water line.

The scope of work for Project No. AN 05-NB3 as described in the Cooperative Project Agreement is as follows:

- Construct a new 36-by-60 foot WTP. The facility will treat water to meet current and proposed Alaska Department of Environmental Conservation regulations. Furthermore, it will meet capacity to serve the community by the new flush and haul system. The Alaska Village Safe Water Program will fund the pile foundation and a portion (approximately 60 percent) of the WTP facility. This is funded under ANTHC Project No. AN 01-Q53. The foundation has already been constructed.

The scope of work for Project No. AN 06-CI4 as described in the Cooperative Project

Agreement is as follows:

- Construct an 1,800-foot aboveground HDPE water transmission line from the existing water source to a new water source.
- Purchase a new pump and refurbish the existing pump shack.
- Construct a part of the foundation for the new WTP. An earlier project, Project No. AN 01-Q53, funded the installation of 24 10-inch steel piles for the WTP. However, recent geotechnical work recommended that the ground should be frozen with passive refrigeration or thermopiles to freeze the ground and increase the bearing capacity. This project will fund the installation of 34 thermoprobes that will be placed adjacent to each pile.

The scope of work for Project No. AN 09-S02 as described in the Cooperative Project Agreement and Amendment No. 1 is as follows:

- Construct a pumping station at the reservoir and provide a reservoir protection liner. Project No. AN 01-Q53 funded the existing reservoir. This project and AN 01-Q53 will provide a complete facility. Furthermore, the facilities constructed under this project are part of an overall plan to complete a community-managed water and sewer flush and haul system.
- Attach the water transmission line to an existing boardwalk.
- Repair and raise a bridge along the boardwalk route to prevent future ice impact damage.

The scope of work for Project No. AN 09-S03 as described in the Cooperative Project Agreement is as follows:

- Complete construction of a new WTP, which was originally funded under Project No. AN 05-NB3.
- Complete construction of the washeteria, which was originally funded under Project Nos. AN 04-GC8 and AN 02-N12.

This Beneficial Use Agreement (BUA) describes a portion of this scope of work that is complete, inspected, and put into use.

C. BENEFICIAL USE AGREEMENT

C 1. Community Facilities Completed

The facilities indicated below have been substantially completed, inspected, and put into use. The parties agree that the facilities will be complete once the deficiencies identified in the final inspection are resolved. The pre-final inspection was conducted on 08/04/2010 and will be documented in a forthcoming trip report. Through this BUA, the Village of Kwigillingok will be responsible for normal operation and maintenance of the facilities. The ANTHC will warranty the facilities for defects in material and workmanship for one year from the beneficial use date, which is 08/04/2010.

Project Number	Facilities Provided	Date Inspection Completed
AN 97-B54 AN 01-Q53 AN 05-NB3 AN 06-CI4 AN 09-S03	36' by 60' Water Treatment Plant with two mixed media pressure filters	August 4, 2010
AN 98-L98 AN 04-GC8 AN 09-S03	36' by 48' Washeteria with 6 commercial washers, 4 dryers, bathrooms, and a play area	August 4, 2010
AN 98-L98 AN 99-C09 AN 04-N84 AN 09-S02	3.25 acre Raw Water Storage Reservoir and Pumphouse Containing a ½ HP Water Pump	August 4, 2010
AN 06-CI4 AN 09-S02	3,060' of 4" HDPE Water Transmission Line with a 1-1/2" Circulating Water Heat Add Line	August 4, 2010
AN 00-M43 AN 04-N84 AN 09-S02	1,400' Boardwalk; Repair and raising of the existing 140' bridge located between the WTP and water reservoir	August 4, 2010